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ENGROSSED SUBSTITUTE HOUSE BILL 2324

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State of Washington

57th Legislature

2002 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Hatfield, Doumit, Kessler, Kirby, Edwards and Orcutt)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to protecting children and dependent persons;  
2 amending RCW 9A.42.010; adding a new section to chapter 9A.42 RCW; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.42 RCW  
6 to read as follows:

7 (1) A parent, stepparent, foster parent, or guardian who has been  
8 entrusted with the physical custody of a child under ten years of age  
9 or with the physical custody of a dependent person has a duty to aid  
10 such child or dependent person who is being physically assaulted or  
11 sexually abused by another. The scope of the duty is determined by the  
12 circumstances known at the time to the parent, stepparent, foster  
13 parent, or guardian who has been entrusted with the physical custody of  
14 a child under ten years of age or with the physical custody of a  
15 dependent person.

16 (2) The failure to make a reasonable effort to aid is a class C  
17 felony. A reasonable effort does not require a parent, stepparent,  
18 foster parent, or guardian who has been entrusted with the physical  
19 custody of a child under ten years of age or with the physical custody

1 of a dependent person to perform any action that a reasonable person  
2 would believe would place the person or another person in danger of  
3 bodily injury, or to perform any action where the person who has  
4 assaulted or sexually abused the child or dependent person has used a  
5 threat as defined in RCW 9A.04.110(25) to induce the other person to  
6 not report the assault or abuse or to otherwise not come to the aid of  
7 the child or dependent person.

8 **Sec. 2.** RCW 9A.42.010 and 1997 c 392 s 508 are each amended to  
9 read as follows:

10 As used in this chapter:

11 (1) "Basic necessities of life" means food, water, shelter,  
12 clothing, and medically necessary health care, including but not  
13 limited to health-related treatment or activities, hygiene, oxygen, and  
14 medication.

15 (2)(a) "Bodily injury" means physical pain or injury, illness, or  
16 an impairment of physical condition;

17 (b) "Substantial bodily harm" means bodily injury which involves a  
18 temporary but substantial disfigurement, or which causes a temporary  
19 but substantial loss or impairment of the function of any bodily part  
20 or organ, or which causes a fracture of any bodily part;

21 (c) "Great bodily harm" means bodily injury which creates a high  
22 probability of death, or which causes serious permanent disfigurement,  
23 or which causes a permanent or protracted loss or impairment of the  
24 function of any bodily part or organ.

25 (3) "Child" means a person under eighteen years of age.

26 (4) "Dependent person" means a person who, because of physical or  
27 mental disability, or because of extreme advanced age, is dependent  
28 upon another person to provide the basic necessities of life. A  
29 resident of a nursing home, as defined in RCW 18.51.010, a resident of  
30 an adult family home, as defined in RCW 70.128.010, and a frail elder  
31 or vulnerable adult, as defined in RCW 74.34.020(~~(+8)~~) (13), is  
32 presumed to be a dependent person for purposes of this chapter.

33 (5) "Employed" means hired by a dependent person, another person  
34 acting on behalf of a dependent person, or by an organization or  
35 governmental entity, to provide to a dependent person any of the basic  
36 necessities of life. A person may be "employed" regardless of whether  
37 the person is paid for the services or, if paid, regardless of who pays  
38 for the person's services.

1 (6) "Parent" has its ordinary meaning and also includes a guardian  
2 and the authorized agent of a parent or guardian.

3 (7) "Abandons" means leaving a child or other dependent person  
4 without the means or ability to obtain one or more of the basic  
5 necessities of life.

6 (8) "Aid" means to give help or relief, or to assist. "Aid"  
7 includes, but is not limited to, contacting police, law enforcement, or  
8 other public officials, preventing or avoiding physical assault or  
9 sexual abuse, or procuring medical assistance.

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